

Arizona State Board of Acupuncture Examiners

REGULAR MEETING

February 25, 2004

BOARD MEMBERS PRESENT:

Deborah Malone, Chairman
Janice Benjamin, Secretary
Yong Deng, Professional Member
Martha Grout, MD, MD(H), Professional Member
Joan Heskett, Public Member
Syretta McNeal, Public Member
Dana Price, L. Ac. Professional Member

BOARD MEMBERS ABSENT:

Don Nichols, Public Member

ATTORNEY GENERAL REPRESENTATIVE:

Terrie Zenoff, Assistant Attorney General

ADMINISTRATIVE STAFF:

Christine Springer, Board Assistant

I. Call To Order

Chairman Malone called the meeting to order at 1:00 p.m.

II. Review, discuss, and vote – Regular Meeting Minutes

Minutes of the regular meeting held January 28, 2004 were moved and seconded by Dr. Grout and Mrs. Price. Motion carried unanimously.

II. Interview Candidates for Position of Executive Director

The following candidates were interviewed for the executive director position: Melissa Steinley (1:10 p.m.), and Alexis Kjellstrom (1:30 p.m.). Loretta Gorman was not present for an interview and the board closed the interview process. Mrs. Price made a motion to adjourn to executive session to discuss personnel issues at 2:07 p.m. Dr. Grout seconded the motion that passed unanimously. The board returned to the regular session at 2:14 p.m. Chairman Malone made a motion authorizing the Personnel Committee to offer the executive director position to Ms. Kjellstrom according to the terms discussed in executive session. Dr. Grout seconded the motion that passed unanimously.

IV. Complaints/Investigation – Review, Discuss and Vote

UP-2002-04 Nam (Clark) Kim

The Board discussed the status of the investigation regarding Mr. Kim. Reports from the complainant indicate that Mr. Kim continues to practice and teach acupuncture in violation of state law. The Board requested that Mrs. Springer contact Mr. Kim to inform him that he is in violation of the law by these actions. The Chairman will coordinate with Mrs. Springer to refer the complete file to the county attorney for action pursuant to A.R.S. 32-3953(A).

V. Consideration of Candidates for licensure – Discussion and Vote

Acupuncture Licenses

The board considered Margaret Celli's application. Dr. Grout noted that information provided by the applicant did not verify at least 800 hours of clinical training. She made a motion to deny the application pursuant to A.R.S. §32-3924(2). Motion seconded by Mrs. Prices and passed unanimously. Dr. Grout suggested the applicant may wish to contact the Maryland Institute of Traditional Chinese Medicine and request their assistance to complete additional clinical hours.

Dr. Grout made a motion approving Miao-Chen Lin's application. Mrs. Heskett seconded the motion that passed unanimously.

The application submitted by Christina Kovalik was considered. Dr. Grout made a motion approving the application. Motion seconded by Mrs. Price and passed unanimously.

An application submitted by Lea Inoue was considered and a motion was made by Dr. Grout to approve the application. Mrs. Price seconded the motion that passed unanimously.

Samuel Syn was present by telephone as the board considered his application. Mrs. Heskett asked Dr. Syn if he had complied with all the terms of the Virginia Consent Agreement. Dr. Syn explained that he had corrected his advertising and was in compliance. Mrs. Price made a motion approving the application. Chairman Malone seconded the motion that passed unanimously. The board thanked Dr. Syn for his time.

Jodine Lynn Wamsley was present to respond to questions concerning a DUI that had occurred in the State of California on January 13, 2003. The board confirmed that Ms. Wamsley had received a three year probation from California. She explained that she had complied with all of California's DUI Program requirements, but was not currently attending AA meetings. Ms. Wamsley also stated she had trained and participated in Iron man Triathlons, had attended at least twelve MADD meeting and was involved in assisting challenged athletes. Ms. McNeal asked the applicant how the board could be assured that this behavior would not occur again. Ms. Wamsley responded that she rarely drinks and if she does have alcohol she never drives. Mrs. Benjamin made a motion approving the application. Dr. Deng seconded the motion that passed with a majority vote. Ms. McNeal dissented.

Auricular Certificates

Dr. Grout made a motion approving the application submitted by Juan Cruz. The motion was seconded by Mrs. Price and passed unanimously.

Dr. Deng made a motion approving Nichole Ross' application. Motion seconded by Mrs. Price and passed unanimously.

VI. Consideration, Discussion and Vote Regarding Rulemaking

Chairman Malone thanked the individuals who had attended the public hearing and submitted written comments regarding the proposed rules. Mrs. Malone explained that while many of the comments had merit, the board was unable to institute all of the recommendations because of statutory requirements. She directed Mrs. Springer to send notes to the participants thanking them for taking the time to consider the issues and make comments. The board discussed minor changes to R4-8-402 (B) and (C). Mrs. Springer was instructed to make the changes as discussed and send copies to all participants.

VII. Professional Business

- a. The board reviewed the complaint process flow chart. Noting two minor changes to the flow chart, Dr. Deng made a motion approving the complaint procedure and forms as discussed. Dr. Grout seconded the motion that passed unanimously.
- b. Board members noted the annual submittal made by the Arizona School of Acupuncture and Oriental Medicine pursuant to *AAC R4-8-307* and expressed congratulations acknowledging the schools' recent three year accreditation granted by ACAOM.
- c. The Board reviewed the continuing education request for program approval submitted by Kathrin German. Noting that program objectives had been met, Mrs. Price made a motion approving the program entitled Classical Medical Practices of the Orient, scheduled for February 27, 28, and 29, 2004. Dr. Deng seconded the motion that passed unanimously.
- d. A continuing education program sponsored by East-West Seminars and entitled Facial Rejuvenation Training scheduled for May 1, 2004 and May 15, 2004 was reviewed. The reviewer stated the program had been previously approved for 8 hours. Mrs. Benjamin made a motion approving the program. Mrs. Price seconded the motion that passed with a majority vote. Dr. Grout abstained from the vote.
- e. Discussion of the scheduled April 29 and 30 FAOMRA national meeting was held. Dr. Grout made a motion approving the attendance of Chairman Malone and the executive director. The motion specified that the total cost of the conference must not exceed \$1000. Motion seconded by Mrs. Price and passed unanimously.

VIII. Executive Director Report

The board's finances were discussed during deliberation of Agenda Item VII.e. (attendance of a board member at the FAOMRA meeting). Mrs. Springer indicated that funds were available to support the expenditure. She also updated the board with the current revenue and expenditure figures. Revenues had been projected at \$92,000. The board has collected approximately 66% of this total

(\$63,551). The Board has expended \$26,627 or 35% of the total appropriation of \$75,300.

IX. Call to the Public

No members of the public addressed the board.

X. Future Agenda Items

Chairman Malone asked that the March agenda include opportunity for discussion of committee memberships. It is her hope that regular discussion and reports would be provided from committees charged with rulemaking, continuing education and legislation.

XI. ADJOURNMENT

Dr. Grout moved to adjourn the meeting at 3:00 p.m. Mrs. Price seconded the motion that passed unanimously. The **next meeting** of the Board will convene at the Occupational Licensing Building, 1400 W. Washington, Basement Conference Room B-1, Phoenix, Arizona, 1:00 PM, on **March 24, 2004**

Respectfully Submitted,

Christine Springer
Board Assistant